

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MARK A. DIAZ AND MELISSA DIAZ
Plaintiff,

V.

**US BANK NATIONAL ASSOCIATION,
ITS SUCCESSOR IN INTEREST OR
ASSIGNS AND ITS APPOINTED
SUBSTITUTE TRUST
Defendants.**

§ § § § § § § § § § § §

Civil Action No. 5:17-cv-745-rg

AGREED CONSENT JUDGMENT AND WRIT OF POSSESSION

Pursuant to the terms and conditions of the Settlement Agreement and Release (“Agreement”) entered into between U.S. Bank Trust, N.A. (“US Bank”) and Mark A. Diaz and Melissa Diaz (“Diaz”)(collectively “the Parties”) on the 30th day of November, 2018, Diaz agrees to vacate the real property located at 4823 Shade Creek, San Antonio, Texas 78238 (the “Property”)and more particularly described as follows:

LOT 32, BLOCK 13, NEW CITY BLOCK 18633, TWIN CREEK, UNIT 3 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7300, PAGE(S) 209-210, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

on the 28th day of November, 2018.

In the event Diaz does not vacate the Property by that date, US Bank shall be entitled to a Writ of Possession issued in accordance with Texas Rule of Civil Procedure 310. Diaz hereby waives any right to contest such eviction, and waives any right to any notice or court hearing in connection with any eviction proceeding prior to the issuance and/or execution of a Writ of Possession.

If any person occupying the Property fails to surrender possession of the premises by

November 28, 2018, US Bank, or its successors or assigns, shall be entitled to a Writ of Possession issued in accordance with Texas Rule of Civil Procedure 310. Diaz hereby waive any right to any notice or court hearing in connection with any eviction proceeding, prior to the issuance and/or execution of a Writ of Possession.

SO ORDERED this 11 day of Nov, 2018


PRESIDING JUDGE

CONSENTED TO:

**BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP**

By: /s/Crystal G. Gibson
Crystal G. Gibson
State Bar No. 24027322
4004 Belt Line Rd., Suite 100
Addison, TX 75001
Email: CrystalR@BDFgroup.com
ATTORNEY FOR US BANK, N.A.

Date: 11/01/2018

MCKINIGHT & BRAVENEC

/s/ Edward Bravenec
Edward Bravenec
State Bar No. 24012329
405 S. Presa St.
San Antonio, Texas 78205
(210) 223-4080
(210) 223-2449 (Facsimile)
braveknight@att.net
ATTORNEYS FOR PLAINTIFFS

Date: 11/01/2018